IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

MFA.No. 878 of 2000(B)

AGAINST THE AWARD DT. 6.12.95 IN OP(MV).352/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR .

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APPELLANT: 2ND RESPONDENT IN THE OP(MV)

KERALA STATE INSURANCE DEPARTMENT,
THRISSUR, REP.BY DIRECTOR OF THE
STATE INSURANCE K.S.I.D.,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER

RESPONDENTS: PETITIONER & RESPONDENTS 1 IN OP(MV)
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1. **KARPAKAM,. W/O.LATE RAJAPPAN,**
   POLLIKALLU HOUSE, KAVORE COLONY,PO.,
   VARADIYAM, THRISSUR TALUK.

2. **P.K.SASIDHARAN, S/O. KUNJANDI,**
   CHUKKATHU HOUSE, P.O.,
   CHEMBOOCHIRA, VIA, KODAKARA,
   THRISSUR DISTRICT.

BY ADV. SRI.P.V.CHANDRA MOHAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. 3210/02 IN CMP. NO.4925/2000 IN MFA. 878/2000

DISMISSED

29.06.2007

SD/- J.B.KOSHY, JUDGE
SD/- K.P.BALACHANDRAN , JUDGE

/TRUE COPY/

P.A. TO JUDGE

tss

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.878 OF 2000

Dated 29th June, 2007

JUDGMENT

Koshy,J.

Consequent to the dismissal of delay condonation petition, this appeal is dismissed.

Sd/-

J.B.KOSHY
JUDGE

Sd/-
K.P.BALACHANDRAN
JUDGE

tks

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

C.M.P.No.4925 OF 2000 in
M.F.A.No.878 OF 2000

Dated 29th June, 2007

ORDER

Koshy,J.

This is a petition to condone the long delay of 1122 days in filing the appeal. The appeal is filed by the Kerala State Insurance Department. The amount awarded was only Rs.24,600/= with interest. The accident occurred on 12.3.93. In 1995 an application was filed specifically contending that the offending vehicle was insured by the appellant insurance department. Despite receiving notice, appellant remained absent. Thereafter, award was passed on 6.12.1995. Copy application was filed only on 16.10.1998, apparently when execution petition was filed. It is stated that the carbon copy of the award was received by the appellant on 17.6.1999 and appeal was filed only on 19.7.2000. No valid reasons are stated for condoning the long delay. Hence, the delay condonation petition is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

tks